

## **TENTATIVE RULINGS for CIVIL LAW and MOTION September 13, 2012**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6722

### **TENTATIVE RULING**

**Case:** County Fair Fashion Mall v. Tran  
Case No. CV UD 11-1921

**Hearing Date:** September 13, 2012 **Department Fifteen** **8:30 a.m.**

Defendants Tuan Tran and Thuy Lee's motion to set aside the default and default judgment is **DENIED**. Defendants' motion under Code of Civil Procedure section 473.5 is untimely, and defendants fail to demonstrate that the judgment entered against them is void for lack of valid service. (Code Civ. Proc., §§ 415.20, 473, subd. (d), 473.5, subd. (a).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

### **TENTATIVE RULING**

**Case:** Jung v. Pearson  
Case No. CV CV 12-1161

**Hearing Date:** September 13, 2012 **Department Fifteen** **8:30 a.m.**

Plaintiffs Victor and Mary Ann Jung's motion to disqualify attorney William Kopper is **DENIED**. (Code Civ. Proc., § 128.) Plaintiffs fail to demonstrate that a substantial relationship between the "subject matters" of the prior and current representations, i.e., the existence of sufficient "similarities between the legal problem involved in the former representation and the legal problem involved in the current representation." (*Farris v. Fireman's Fund Ins. Co.* (2004) 119 Cal.App.4<sup>th</sup> 671, 681; Kopper Dec., ¶ 2.)

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

**TENTATIVE RULING**

**Case:** **Lindsfors v. Regents of the University of California**  
**Case No. CV CV 11-2789**

**Hearing Date:** **September 13, 2012** **Department Fifteen** **8:30 a.m.**

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Defendant Regents of the University of California's unopposed motion to compel further responses to special interrogatories, is **GRANTED IN PART**. The motion is **GRANTED** as to Special Interrogatory Nos. 1, 13, 17, 18, 32, and 37. (Code Civ. Proc., § 2030.300.) The motion is **DENIED** as to Special Interrogatory Nos. 15, 26, and 34. As to these interrogatories, defendant failed to comply with California Rule of Court 3.1345(c)(5).

Defendant's unopposed motion to compel further responses to requests for production is **GRANTED**, as to Request for Production Nos. 40, 43, 44, and 59. (Code Civ. Proc., § 2031.310.) If plaintiff contends that a privilege applies to any item responsive to these requests, she shall provide a privilege log with her responses. (Code Civ. Proc., § 2031.240, subd. (b); *Hernandez v. Superior Court (Acheson Indus., Inc.)* (2003) 112 Cal.App.4<sup>th</sup> 285, 291-92.)

Defendant's request for monetary sanctions against plaintiff is **GRANTED IN PART**, in the amount of \$2,360.00. The Court awards a proportional amount of the attorneys' fees requested by defendant based on the success achieved by the motion. (Code Civ. Proc., §§ 2030.290, subd. (d); 2031.310, subd. (h).) The Court does not award fees for time not yet incurred.

Plaintiff shall provide further responses and pay the ordered sanctions by no later than October 5, 2012.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.